

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed Emergency After Notice

Rule making related to improving and expanding the IHAP program

The Natural Resource Commission hereby amends Chapter 22, “Wildlife Habitat on Private Lands Promotion Program and Habitat and Public Access Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 483A.3B(3)“c”(1).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 483A.3B(3).

Purpose and Summary

The Iowa Habitat and Access Program (“IHAP” or “program”) was started in 2011. The program exists to encourage private landowners to voluntarily open their lands to public hunting in exchange for on-site wildlife habitat technical and financial assistance from the Department of Natural Resources (Department). The program’s eligibility criteria, application processes, and assessment standards are spelled out in Chapter 22.

The Commission is adopting two changes to the program, the only ones to date since its development. These changes are aimed at making improvements to the agreement and growing IHAP in a sustainable way. Hunters are excited to grow the program, and there is high landowner interest in enrolling. These changes will allow both to occur more easily.

First, the adoption by reference of the program’s agreement template is stricken. During the program’s initial roll-out, the program’s agreement template was adopted by reference in order to provide extra levels of transparency. Nearly a decade into this very popular program, this extra level of transparency is no longer necessary. Other rules in the chapter outline the agreement’s overall scope and general terms, and those rules shall remain. Additionally, the agreement’s template shall continue to be available on the Department’s website. Second, the Commission is striking language that requires the Department to directly hire the habitat contractor. This amendment will enable the Department to pay the enrolled landowner directly if the landowner is competent to do the habitat work, or allow the landowner to personally hire the contractor of choice and pay for that work with allotted IHAP funds.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 29, 2020, as **ARC 5112C**. A virtual public hearing was held on August 18, 2020, at 1 p.m. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Commission finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective upon filing on September 17, 2020, because the rule making confers a benefit on current or future Iowa Habitat and Access Program (IHAP) participants to the benefit of both them and Iowa’s sportsmen and women.

Adoption of Rule Making

This rule making was adopted by the Commission on September 10, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making became effective on September 17, 2020.

The following rule-making action is adopted:

Amend rule 571—22.14(456A,483A) as follows:

571—22.14(456A,483A) Agreements. The commission shall enter into “Iowa Management and Access Program Agreements,” ~~version 4-15-11 that is located~~ available on the department’s Web site at <http://www.iowadnr.gov/wildlife/privatelands/mgt-access.html> website as well as through the department’s central office, ~~and incorporated by reference herein,~~ with approved landowners to carry out the purposes of this program.

22.14(1) No change.

22.14(2) Grant funds. Habitat development money is only available if an agreement has been signed by both parties. ~~No funds shall be paid directly to the landowner, but rather shall go to a habitat development contractor hired by the department.~~ This is not a cost-share program; the department is solely responsible for all habitat development cost.

22.14(3) to 22.14(5) No change.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 10/7/20.